

REMARKS

This is in response to the Office Action of September 2, 2008. Applicants gratefully note the Examiner's finding that claims 1-6 distinguish over the prior art. Non-elected claims 7-11 are cancelled, without prejudice to their reassertion in a divisional application. New claim 12 is added, directed to a preferred embodiment of the claim 1 process. No new matter is introduced. Claims 1-6 and 12 are now pending in this application.

Claims 1-6 were rejected under the second paragraph of 35 U.S.C. § 112 due to their recitation of such parenthetical items as "Compounds A or B," "Compound 11," "Step 9," etc. Those parenthetical references have been removed from the claims, thereby overcoming this ground of rejection.

Claim 1 was rejected under the second paragraph of 35 U.S.C. § 112 as allegedly being incomplete. The Examiner asserted that the omitted steps are recovery steps of the end product. The claim has been amended to address this rejection. Specifically, the clause in question has been deleted from the claim. Claim 1 is drawn to "A method of preparing the chiral (\pm) isomers of indole-2,3-dione-3-oxime derivatives." The Examiner will note that the claim does not require that the 3-oximes be purified. The final step of claim 1 as amended hereinabove obtains "the desired chiral end product, i.e. enantiopure (R)- or (S)-2-[2-oxo-1,2,6,7,8,9-hexahydro-pyrrolo[3,2-h]isoquinolin-3-ylideneaminoxy]-4-hydroxy-butyric acid." Accordingly, it is respectfully submitted that claim 1 in its present form is not incomplete, and that it thereby overcomes this ground of rejection.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No.: 10/524,441

Docket No.: 2815-0294PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 2, 2008

Respectfully submitted,

By  #28,781

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